

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT ALSPAUGH, JR.,

Plaintiff,

v.

Case No. 2:06-cv-111
HON. R. ALLAN EDGAR

REX MCCONNELL, et al.,

Defendants.

_____ /

OPINION AND ORDER APPROVING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on March 21, 2008. The Report and Recommendation was duly served on the parties. The Court has received objections from Plaintiff. In accordance with 28 U.S.C. § 636(b)(1), the Court has performed *de novo* consideration of those portions of the Report and Recommendation to which objection has been made. The Court now finds the objections to be without merit.

In his objections, Plaintiff concedes that Defendant Cox should be dismissed from this case. Plaintiff asserts that he should be allowed to amend his complaint, have an attorney appointed, and participate in discovery. Plaintiff has failed to present a proposed amended complaint. An appointment of an attorney is not warranted at this time and plaintiff concedes that discovery has been stayed by the court.

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (Docket #237) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant Cox's motion to dismiss (Docket #188) is GRANTED.

IT IS FURTHER ORDERED that Plaintiff's Fed. R. Civ. Proc. Rule 56 (f) motion (Docket #202), motion to amend complaint (Docket #205), motion to compel judge to issue a *de novo* determination (Docket #229), motion for a scheduling conference (Docket #230), and motion to compel discovery (Docket #231) are DENIED.

Dated: April 14, 2007

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE